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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,198	04/02/2004	Kim Simelius	4208-4184	2178
27123	7590	06/13/2007	EXAMINER	
MORGAN & FINNEGAN, L.L.P.			WHALEY, PABLO S	
3 WORLD FINANCIAL CENTER				
NEW YORK, NY 10281-2101			ART UNIT	PAPER NUMBER
			1631	
			MAIL DATE	DELIVERY MODE
			06/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20070610

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

The reply filed on 04/17/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant's election of Group I (claims 1-36) with traverse is acknowledged. Applicant's election of Specie B (cardiopulmonary system) is also acknowledged. However, applicant failed to make proper specie elections for Species A and Species C for the following reasons. Applicant's election of "heart" was made for species set A (claim 19). However, this election should have been made for Species C, which is directed to "simulated organs", as set forth in the office action mailed 01/17/2007. In response to applicant's suggestion that claims 19-21 were incorrectly labeled as "abnormal states" (Specie A) in the office action mailed 01/17/2007, applicant is correct. The Examiner apologizes for this typographical error. Clearly, claims 19-21 should have been included in Species C. However, applicant still failed to attempt to make an election for Species A directed to "abnormal states" with regards to elected claims 12-14, as set forth in the office action mailed 01/17/2007. For these reasons, applicant is again required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits for Specie A and Specie C, as follows:

Specie A: Species of "abnormal states" are cited in claims 12-14, which are disease states that are generally separately classified and published, and thus document undue search burden if searched together. Thus applicants are required to select ONE of the following: (i) arrhythmia; (ii) conduction disorder; or (iii) endocrine disorder.

Specie C: Species of "simulated organs" are cited in claims 7 and 19-21, which are generally separately classified and published, and thus document undue search burden if searched together. Thus applicants are required to select ONE of the following: (i) heart; (ii) pancreas; (iii) brain; or (iv) thorax.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Whaley whose telephone number is (571)272-4425. The examiner can normally be reached on 9:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at

571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pablo S. Whaley

Patent Examiner  
Art Unit 1631  
Office: 571-272-4425  
Direct Fax: 571-273-4425

MICHAEL BORIN, PH.D  
PRIMARY EXAMINER

